

1 The Honorable Marsha J. Pechman
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE

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14 AMAZON CONTENT SERVICES LLC, a
15 Delaware corporation, PENGUIN RANDOM
16 HOUSE LLC, a Delaware corporation, LEE
17 CHILD, SYLVIA DAY, JOHN GRISHAM, C.J.
18 LYONS, DOUG PRESTON, JIM
19 RASENBERGER, T.J. STILES, R.L. STINE,
MONIQUE TRUONG, SCOTT TUROW,
NICHOLAS WEINSTOCK, AND STUART
WOODS,

20 Plaintiffs,

21 v.

22 KISS LIBRARY d/b/a KISSLY.NET,
WTFFASTSPRING.BID, LIBLY.NET, and
CHEAP-LIBRARY.COM, RODION
VYNNYCHENKO, ARTEM
BESSHAPPOCHNY, JACK BROWN, and
DOES 1-10,

23 Defendants.

24 NO. 2:20-cv-01048 MJP

25 PLAINTIFFS' UPDATE
REGARDING DEFENDANT
VYNNYCHENKO PROOF OF
SERVICE AND STATUS REPORT

26 Pursuant to the Court's June 8, 2021 Order (Dkt. 30), setting an August 9, 2021
27 deadline to complete service on Defendant Rodion Vynnychenko and to provide a status report,
Plaintiffs provide the Court with this update.

As previously detailed, Defendant Rodion Vynnychenko intentionally caused delays
and evaded service by deregistering his official address in Ukraine after Plaintiffs filed this suit,
see Dkt. 25 ("April Update") at 2-3, and by providing a false address to the Ukrainian
government, *see* Dkt. 28 ("June Update") at 1-3. Plaintiffs ultimately engaged a Ukrainian

1 private investigator to uncover Defendant Vynnychenko's true address and forwarded that
2 information to the Ukrainian Ministry of Justice. *See* Dkt. 29 ¶¶ 4-6.

3 The Ukrainian government then twice attempted to serve Defendant Vynnychenko at
4 his true address, but he refused to receive the court summons. *See* Fourth Declaration of Artem
5 Krykun-Trush ¶ 4. At a hearing held on June 11, 2021, at 10:00 a.m., which Defendant
6 Vynnychenko again failed to attend, the Holosiivskyi District Court of Kyiv held that he had
7 been properly served under Ukrainian law and confirmed service. *See id.* ¶¶ 4-5 & Ex. A
8 (citing Ukr. Civ. P. Code, Art. 128, Part 8, Cl. 3). Accordingly, Plaintiffs have now properly
9 effected and confirmed service on Defendant Vynnychenko, *id.*, as well as all other named
10 defendants. *See* Dkt. 22 at 2 (confirming service on Defendants Kiss Library, Artem
11 Besshapolny, and Jack Brown). *See also Whatsapp Inc. v. NSO Grp. Techs. Ltd.*, 2020 WL
12 1849707, at *3 n.1 (N.D. Cal. 2020) (certificate of service issued by foreign government under
13 Hague Convention “is the means by the which a plaintiff proves service” under the Federal
14 Rules of Civil Procedure).

15 As to the Court’s request for a litigation update and deadline by which the parties will
16 file a joint status report, Plaintiffs note that all Defendants have failed to appear despite
17 confirmation of proper service. Based on those failures, Plaintiffs remain unable to submit a
18 joint status report to the Court at this time. Following the expiration of Defendant
19 Vynnychenko’s time to respond on September 9, 2021, *see* Fed. R. Civ. P 12(a)(1)(A)(ii),
20 Plaintiffs intend to move for entry of default and default judgment against Defendants Kiss
21 Library, Artem Besshapolny, and Rodion Vynnychenko. By that time, Plaintiffs expect to
22 have completed additional discovery and will either amend their Complaint to name any
23 additional defendants or will proceed to seek final judgment as noted above and voluntarily
24 dismiss as to any remaining defendants.

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1 DATED this 9th day of August, 2021.

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